
How to apply for a Wisconsin Pollutant Discharge Elimination System (WPDES) Permit

The following describes the process to obtain a Wisconsin Pollution Discharge Elimination System (WPDES) permit for a Concentrated Animal Feeding Operation (CAFO), including which forms to submit and where they need to be submitted; information required; timelines for submittal; and a summary description of the Department of Natural Resources (the Department or DNR) review process and requirements.

These instructions are not applicable to existing CAFOs that are already covered by an Individual or General WPDES permit. For instructions about applying for a WPDES permit reissuance (renewal), please refer to How to Apply for a WPDES Permit Reissuance. If you do not have an existing WPDES permit and are not sure if your existing operation, proposed operation or existing operation with a proposed expansion meets the threshold of a 1,000 animal units, the Department recommends you fill out Form 3400-181 Animal Units Verification Report and contact the DNR Regional Agricultural Specialist assigned to your county to determine if you are regulated under ch. NR 243, Wis. Adm. Code, and must apply for a WPDES permit.

An outline listing each of the items discussed in these instructions can found at WPDES CAFO Permit Application Forms, Instructions, and Related Documents. If you have general questions about the permit application materials, or if you would like to receive the permit application packet by mail, please contact the DNR Central Office CAFO Intake Specialist. The application packet includes a cover letter, a copy of these instructions, each of the required forms you will need to complete for a preliminary permit application and final permit application, and additional information to assist you.

If you have specific questions about CAFO regulations, or need assistance completing Form 3400-181 Animal Units Verification Report and determining if you need a CAFO WPDES permit, please contact your DNR Regional Agricultural (Ag) Specialist assigned to your location. If you have questions about requirements for nutrient management plans or production site design, you may also contact the appropriate DNR Central Office staff.

A WPDES permit is required for all livestock/poultry operations that will have 1,000 or more animal units. As required under Chapter NR 243 of the Wisconsin Administrative Code, you must first submit a complete **“preliminary”** application to the Department at least 12 months prior to the time you anticipate your operation will have 1,000 animal units (or more). The reason a preliminary application is required 12 months in advance is to allow enough time for the permit process to be completed. If your operation is required to apply for a WPDES permit, the Department will use your preliminary application to evaluate whether your operation is eligible for a General WPDES permit, or if you will need an Individual WPDES permit. The three basic components of the preliminary application are listed below.

COMPONENTS OF THE “PRELIMINARY” APPLICATION FOR A WPDES PERMIT:

- **Livestock/Poultry Operation WPDES Permit Application Form 3400-025,**
- **Animal Units Calculation Worksheet(s) Form 3400-025A, and**
- **Site Maps.**

The Department will review your preliminary application and assist you in understanding what you will need to provide to make a complete **“final”** permit application. A complete final application is required to be submitted at least 6 months prior to the time you anticipate your operation will have 1,000 animal units (or more). The final application provides much more detailed information about your operation. The five basic components of the final application are listed below.

COMPONENTS OF THE “FINAL” APPLICATION FOR A WPDES PERMIT:

- **Environmental Analysis Questionnaire,**
- **Final Nutrient Management Plan,**
- **Plans and Specifications for any Proposed Facilities or Systems,**
- **Evaluations of Previously Constructed Facilities or Systems, and**
- **180-days Manure Storage Calculations.**

If you wish to have 1,000 animal units or more no later than 12 months after you submit a preliminary application, your complete final application must be received by the Department no later than 6 months after receipt of the

preliminary application. If a complete permit application is received later than 6 months after receipt of the preliminary application, your project may be delayed and your operation may not receive its WPDES permit 12 months after receipt of the preliminary application. After the Department receives and deems your final application to be complete, a minimum of 6 months is necessary for the WPDES permit process to be completed (including the Department's work, and the public notice and comment period). **Remember, state law requires that you obtain a WPDES permit before your operation reaches 1,000 animal units. CAFOs operating without a WPDES permit may be referred to the Department of Justice and the operation may be subject to fines and penalties.**

An overview of the WPDES permit application process for a first time permit is provided in the First Time Permit Application Process Flowchart. This flowchart pertains to the application process for both Individual and General WPDES permits. The permit application process is described in detail below, including the information you must provide to make a complete final application.

Besides the WPDES Permit from the Department, there are normally other permits and approvals required for new or expanding dairies and other animal feeding operations. To get you started, the State and Local Permit Checklist provides a list of the permits and approvals most commonly needed. You will need to ask your local, county and state officials directly to find out which of these permits and approvals are needed, and if there are any other permits or approvals needed, based on your specific type of livestock operation, expected construction projects and local requirements.

All permit application materials (first the preliminary application, and later the final application) must be mailed to the DNR Central Office CAFO Intake Specialist at the following address:

**Wisconsin Department of Natural Resources
CAFO Intake Specialist – WT/3
P.O Box 7185, Madison WI 53707-7185**

Note: A complete preliminary application must be submitted before the Department will begin detailed review of your preliminary application. Similarly, a complete final application must be submitted before the Department will begin detailed review of your final application. The CAFO Intake Specialist will distribute preliminary and final application materials to the appropriate DNR regional staff and technical reviewer(s) once it has been deemed complete.

PRELIMINARY APPLICATION

The preliminary application consists of providing contact and site information about your property or properties on the Livestock/Poultry Operation WPDES Permit Form 3400-025, providing calculations of current and or projected animal units of all locations associated with your operation on the Current/Projected Animal Units Calculation Worksheet(s) Form 3400-025A, and creating a separate site map of all site locations associated with your operation.

The purpose of Form 3400-025 is to provide owner contact information (Section I) and detailed site information (Section II). The contact information refers to the operations primary site and contacts and is filled out only once. **A separate Site Information section must be filled out for the “main” site and each other site your farm owns or manages, where animals are kept, and that share feed storage, manure storage, or acreage for land application of manure.** For each Site Information section, a corresponding Animal Units (AU) Calculation Worksheet(s) Form 3400-025A (if applicable) and a site map must be completed and included. The Department will review this information to determine which sites will be covered under your WPDES permit. To assist you in completing the forms and creating the maps, specific instructions for both Form 3400-025 and Form 3400-025A along with the link to the DNR Surface Water Data Viewer website are provided below.

- Instructions for Form 3400-025 Livestock/Poultry Operation WPDES Permit Application
- Form 3400-025 (Contact Information, Section I and Site Information, Section II)
- Instructions for 3400-025A Animal Units Calculation Worksheet
- Form 3400-025A (Current and Projected Animal Units Calculation Worksheet(s))
- <http://dnrmads.wi.gov/imf/imf.jsp?site=SurfaceWaterViewer>

Each map must clearly delineate the site features, and each **existing** and **proposed** “reviewable facility or system” as defined in s. NR 243.03(56), Wis. Adm. Code. The most common types of structures, areas and systems that must be shown are listed within the tables on the Site Information section of Form 3400-025, including the following:

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|-----------------------|--------------------------------------|---------------------------|
| - animal housing | - treatment facilities | - outdoor vegetated areas |
| - manure storage | - feed storage areas | - composting facilities |
| - outside animal lots | - runoff controls | - water supply wells |
| - wastewater storage | - other site features/facility types | - confinement areas |

Other site features may include channelized flow paths; streams and wetlands. Other facility types may include manure reception tanks and transfer pipes; mortality storage; separated sand storage; and vegetated treatment areas.

The CAFO Intake Specialist will send the preliminary application materials to your DNR Regional Ag Specialist when it has been deemed complete. At that time, the DNR Regional Ag Specialist will contact you to set up an appointment to visit your site(s) (approximately 30 days after region staff receives the preliminary application from the CAFO Intake specialist). During the site visit, the DNR Regional Ag Specialist can answer additional questions you may have about CAFO regulations and the WPDES permitting process.

Note: Based on observations made by the DNR Regional Ag Specialist during the site visit, you may need to revise your preliminary application and resubmit it to make your final application complete.

FINAL APPLICATION

The complete final application consists of an Environmental Analysis (EA) Questionnaire, Final Nutrient Management Plan (NMP), Plans and Specifications for any Proposed Facilities or Systems, Evaluations of Previously Constructed Facilities or Systems, and 180-days Manure Storage Calculations. Depending on your current farm operation, or if you are proposing a new farm site, certain items listed for the final application might not need to be completed. For example:

- If your farm can be covered under a General permit, an EA Questionnaire is not required.
- If you are planning a moderate expansion of an existing farm, an EA Questionnaire might not be required.
- If you do not have any existing reviewable facilities or systems, you will not need to evaluate existing facilities and systems.

During the scheduled site visit discussed above, the DNR Regional Ag Specialist will help you determine what items you must provide for the final application. Following the site visit, the DNR Regional Ag Specialist will send a letter to you listing the final application permit items that you must submit (based on information you provide about your existing and proposed operation), and telling whether your operation is able to be covered under a General permit, or if you will need an Individual permit.

The purpose of the final application is to provide the Department with the detailed information regarding your operation necessary for the DNR staff to determine whether a General or Individual permit will be required, and prepare your WPDES permit and any required public notices. In order to assist you in developing the necessary application materials, the Department has provided a number of checklists, templates, and guidance documents.

After your final application is deemed to be complete, it will be distributed to the appropriate DNR Regional Ag Specialist and DNR Central Office reviewer(s). The final permit application includes certain items (e.g. Nutrient Management Plan, and Plans and Specifications) that normally require significant time for the owner to prepare, and the DNR to review, and, when necessary, for the owner to amend to meet all state or federal requirements. **Please note that submitting inaccurate information or failure to submit any of the required information will make your application incomplete and may delay issuance of your permit. Application materials may be sent back to applicant if information for the final application can-not be received within five business days upon Department request or major components of the final application are missing.** The specific items required for the final application are discussed in detail below.

Environmental Analysis Questionnaire

If your operation will be covered under an Individual Permit, you may need to complete and submit the Environmental Analysis (EA) Questionnaire as part of the final application. This determination will be made by your DNR_Regional Ag Specialist during the scheduled site visit discussed above.

You do not need to complete the EA Questionnaire if your operation will be covered under the General Permit, because an Environmental Analysis (EA) has already been completed for the General Permit.

The information you provide in the EA Questionnaire will be used by the Department to complete an EA. The EA and public input will then be used to determine if an Environmental Impact Statement is needed (this is somewhat more detailed and involves a longer period for public comment). Once the EA is drafted, Department staff will prepare a public notice to invite comments from the public.

The more complete and accurate the information provided in the questionnaire is, the easier it will be to draft and public notice a thorough EA. It is important that the EA address all the environmental concerns as well as the social and economic impacts the operation will have on the community and surrounding area. This is an opportunity to address many concerns and questions the public may have.

If an EA is required, until the Department completes and finalizes (certifies) the EA, the Department is prohibited from issuing a WPDES permit to you, and is prohibited from approving any plans and specifications to allow construction of new facilities or systems needed for your expansion. Therefore, it is to your benefit to supply all information needed for the EA as soon as possible.

Final Nutrient Management Plan

S. NR 243.14, Wis. Adm. Code, requires that you submit a complete final nutrient management plan (NMP) in accordance with NR 243.14 and the NRCS Nutrient Management 590 Standard as part of the final application. You must receive Department approval of the NMP prior to the Department covering your operation under a WPDES permit. The NMP must account for all sources of manure, process wastewater and any other waste generated and/or received by your operation. Other waste may include direct precipitation, runoff, non-agricultural industrial wastewater, and septage. However, specific approval is required to accept wastes from off-site, and special requirements apply if you will accept septage.

When developing your NMP, the plan must demonstrate that your operation has enough crop land to spread all the sources generated and/or received during the first year of your permit. You will need to work closely with any consultants you hire, to ensure the waste volume and nutrients expected to be generated and/or received by your farm, are properly planned for in the NMP, and that the volume of liquid waste correlate with the volume of used to calculate the farm's 180-days storage capacity for liquid manure.

NMP Checklist Livestock/Poultry Operation WPDES Permit Application Form 3400-025B and NRCS 590 NMP Checklist are required forms that must be submitted with your NMP. The NRCS 590 NMP Checklist must be signed by a qualified nutrient management planner (must be a certified crop consultant, CCA) and the NMP Checklist Livestock/Poultry Operation WPDES Permit Application Form 3400-025B must be signed by the farm's Official Representative. By signing Form 3400-025B, you are certifying the NMP is consistent with all NR 243.14 requirements and applicable NRCS 590 criteria, and that all plan requirements have been reviewed by the farm operator/owner. To assist you in streamlining and compiling the necessary materials for the NMP and maintaining required recordkeeping throughout the permit term, links to the following documents are provided below.

- DNR NMP Narrative Template
- DNR Guidance Shallow Groundwater Soils
- Annual Spreading Report for CAFOs Form 3200-123 ; and
- Daily Spreading Log for Manure Applicators Form 3200-123A

A complete nutrient management plan must be submitted before processing of your final application can begin.

Plans and Specifications for any Proposed Facilities or Systems

S. NR 243.15, Wis. Adm. Code, requires that you submit three copies of plans and specifications at least 90 days prior to the date you plan to begin constructing new or modifying existing DNR "reviewable" facilities or systems. "Reviewable" facilities or systems include runoff control structures, feed and other raw materials storage, permanent spray irrigation or other land application systems, groundwater monitoring systems, manure storage facilities, manure treatment or transfer systems, or other structures or systems associated with the storage, containment, treatment or handling of manure or process wastewater. These plans and specifications must be submitted under the signature and the seal of a professional engineer registered in Wisconsin.

For reviewable facilities or systems, you must receive Department approval of plans and specifications prior to construction (see the Frequently Asked Questions for more information). Design requirements for reviewable facilities are contained in NR 243.15. Many of the design requirements reference (in part) the construction

specifications found in the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG) Section IV. Be aware, certain requirements under NR 243.15 are more stringent or may be different than found in the NRCS standards. Before receiving approval for reviewable facilities and systems, you may construct buildings and other facilities that are not reviewable facilities and systems (i.e. animal housing, milking systems), **but you do so at your own risk**. Because owners often find they need to change the production site layout, or wish to make changes to the design of structures based on the permitting process, **the Department strongly recommends refraining from beginning any construction until we have completed an Environmental Analysis and issued an approval of plans and specifications for reviewable facilities and systems**. Operators should also be aware, manure and process wastewater transfer systems are reviewable facilities, including any transfer systems associated with animal housing. Therefore, although animal housing itself is not reviewable, the animal housing design and location may depend on components that are subject to Department review and approval.

Reviewable Facilities Checklist Livestock/Poultry Operation WPDES Permit Application Form 3400-025C is a required form that must be signed by the professional engineer and the farm Operator/Owner. Please fill out a separate Reviewable Facilities Checklist Livestock/Poultry Operation WPDES Permit Application Form 3400-025C for each design project and include it with the design report. By signing, the professional engineer certifies the plans and specifications comply with all NR 243.15 requirements, and all requirements have been reviewed with the farm operator/owner. If your DNR Regional Ag Specialist believes projects are needed to bring the farm into compliance with permit requirements, the DNR Regional Ag Specialist will determine (at the scheduled site visit discussed above) which projects will need plans and specifications submitted as part of the final application and which projects will be included as part of the WPDES permit construction schedule. To assist you in compiling the necessary materials for the plans and specifications, links to the following documents are provided below.

- WDNR Documentation and Electronic File Checklist
- Consulting Engineers Specializing in Water Quality Design
- FAQ

Your submittal of final plans and specifications and their subsequent approval is not equivalent to a Department decision to issue a WPDES permit—it's only one part of the process. In addition, approval received under local or county ordinances cannot be substituted for an official Department approval. For all Department approvals of plans and specifications for new construction, you will be required to submit post construction documentation within 60 days of completion. If the project will disturb 1 acre or more, it is a violation of NR 216 to begin disturbing soil before obtaining a WPDES Stormwater Construction Site General Permit.

Plans and specifications determined to be part of your final application must be submitted before processing of your application can begin.

Evaluations of Previously Constructed Facilities or Systems

S. NR 243.16, Wis. Adm. Code requires that you submit an engineering evaluation for any constructed reviewable facilities or systems not previously approved or evaluated by the Department, as part of the final application for a WPDES permit. Evaluations completed under NR 243.16 are not subject to the 90 day statutory review period required for plans and specifications submittals. The evaluations must be submitted under the signature and the seal of a professional engineer registered in Wisconsin and at a minimum the following information must be included in the evaluation reports:

- A narrative providing general background and operational information on existing facilities and systems.
- Available post-construction documentation including the date and materials of construction.
- For facilities or systems that are part of the production area, an assessment of the ability of the facility or system to meet the production area requirements in NR 243.13 and accepted management practices.
- An assessment of the ability of the facility or system to meet the applicable design requirements identified in NR 243.15.
- Any proposed actions to address issues identified as part of the evaluation, including a timeline when these issues will be corrected.

The Department may require additional practices based on Department review of submitted evaluations. This includes the installation of a leakage collection or monitoring system, secondary containment systems, or groundwater monitoring, increased inspection frequency, or replacement, upgrade or closure of systems or structures in order to ensure compliance with requirements in ss. NR 243.13 and 243.15, to prevent exceedance of groundwater and surface water quality standards and to prevent impairments to wetland functional values.

Reviewable Facilities Checklist Livestock/Poultry Operation WPDES Permit Application Form 3400-25C is a required form that must be signed by the professional engineer performing the evaluation(s) and the farm's operator/owner. By signing, the professional engineer certifies the evaluation complies with all NR 243.16 requirements, and all requirements have been reviewed with the farm operator/owner. Please fill out a separate Reviewable Facilities Checklist Livestock/Poultry Operation WPDES Permit Application Form 3400-025C for each evaluated structure or system and include it with the evaluation report. Your DNR Regional Ag Specialist will determine (at the scheduled site visit discussed above) which existing structures or systems will need evaluations submitted as part of the final application and which of these evaluations will be included as part of the WPDES permit construction schedule. To assist you in compiling the necessary materials for the evaluations, links to the following documents are provided below.

- DNR Guidance for Post Construction and Evaluations
- WDNR Documentation and Electronic File Checklist
- Consulting Engineers Specializing in Water Quality Design
- FAQ

Evaluations determined to be part of your final application must be submitted before processing of your application can begin.

180-days Manure Storage Calculations

S. NR 243.17, Wis. Adm. Code requires that you submit 180-days manure storage calculations as part of your final application. Calculations must account for all sources of liquid manure, process wastewater and any other waste generated and/or received by your operation and mixed with the liquid manure. Other waste may include direct precipitation, runoff, non-agricultural industrial wastewater, and septage. However, specific approval is required to accept wastes from off-site, and special requirements apply if you will accept septage. Volume of liquid waste used to calculate the 180-days storage capacity must correlate with the volume of liquid waste used to develop your NMP. The Department strongly encourages you to work with a Professional Engineer for computing your 180-days storage capacity.

http://dnr.wi.gov/Topic/AgBusiness/CAFO/

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